

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

OLD REPUBLIC INSURANCE	:	No. 02-CV-5145
COMPANY	:	
	:	
v.	:	
	:	
LUMBERMENS MUTUAL CASUALTY	:	
COMPANY et al.	:	

ORDER

AND NOW, this ____ day of September, 2003, upon review of the record, Plaintiff Old Republic Insurance Company's having filed an Amended Complaint on May 5, 2003, it is hereby ORDERED as follows:

(1) Plaintiff Old Republic Insurance Company's Motion for Summary Judgment [Doc. No. 11] is DISMISSED AS MOOT.

(2) Defendant Lumbermens Mutual Casualty Company's Motion for Summary Judgment [Doc. No. 17] is DISMISSED AS MOOT.

(3) Defendant Lumbermens Mutual Casualty Company's Cross-Motion for Summary Judgment [Doc. No. 21] is DISMISSED AS MOOT.

(4) Plaintiff Old Republic Insurance Company's Motion for Summary Judgment Against Footlocker, Inc. [Doc. No. 25] is DISMISSED AS MOOT.

(5) Defendant Footlocker, Inc./Venator Group's Motion for Summary Judgment [Doc. No. 27] is DISMISSED AS MOOT.

(6) The above dismissals are without prejudice to the parties to re-file their motions and to incorporate by reference any statements and arguments in the motions, exhibits submitted therewith, and memoranda of law that were previously filed of record in the above-captioned

case. It is incumbent upon each party to notify the Court as to whether further discovery is necessary in light of the filing of the Amended Complaint.

BY THE COURT:

CYNTHIA M. RUFE, J.